

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1542 of 1996

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT

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VARISALI MOHMAD ISRAIL PATHAN @ MUNNO

Versus

STATE OF GUJARAT

Appearance:

MR AM PAREKH for Petitioners

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : THE CHIEF JUSTICE G.D.KAMAT

Date of decision: 27/11/96

ORAL JUDGEMENT

Rule. Shri Pujari, learned APP, waives service of rule on behalf of the respondents. By consent to be heard forthwith.

Petitioner No.1, Varisali Mohmad Israil Pathan, is an undertrial, facing a charge under Section 302 and presently lodged at Sabarmati Jail at Ahmedabad. At present, pursuant to the pass issued, he was permitted to have tiffin facilities until September, 1996. After he lost the pass, he applied for a copy, but, however, the same has not been given to him. Non-issuance of the pass for tiffin facilities has now become the bone of contention in the present petition.

Shri Pujari, learned APP, says that the fresh pass has not been issued to the petitioner No.1 because there is an apprehension of misuse of the so-called pass which is alleged to have been lost. He, however, says that the pass was valid until September, 1996 and as the petitioner did not apply for issuance of fresh pass, no fresh pass was given to him. It is open to the

petitioner No.1 to apply for issuance of fresh pass to the concerned authorities and when such an application is made, the concerned authority is directed to decide the same in accordance with the Rules within 10 days from the date of the application. Rule is accordingly made absolute, as indicated.

(apj)